



PATENT
Atty. Docket No.: 248/182CON

ITW
Box 504

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Laura S.L. GAETA et al.

Appln. No.: 10/649,138

Filed: August 26, 2003

Title: NOVEL AMYLIN AGONIST
PEPTIDES AND USES THEREFOR
(Amended)

Art Unit: 1639

Examiner: Epperson, Jon D

Confirm. No.: 8797

**Response to Notice to Comply with Requirements for Patent Applications
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures**

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to Comply with Requirements for Patent Applications
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed October 19,
2005, Applicants submit the following for appropriate action by the U.S. Patent and Trademark
Office:

1. Copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (3 pages);
2. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (2 pages);
3. Substitute Sequence Listing in computer readable form (CRF) on 3.5 inch diskette;
4. Substitute Sequence Listing in paper form (21 pages);
5. Amendment in Response to Notice under 37 C.F.R. §§1.821-1.825 (7 pages); and
6. Return receipt postcard.

The deadline for response to this Notice is November 19, 2005. Accordingly, this
response is timely filed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8a

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient First Class postage in an envelope addressed to the Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

November 14, 2005
Date of Deposit

Amanda J. Ahlerson
Signature of Person Mailing Paper
Amanda J. Ahlerson
Name of Person Mailing Paper

The substitute Sequence Listing and the accompanying Amendment in Response to Notice under 37 C.F.R. §§1.821-1.825 are being provided to comply with the requirements of 37 C.F.R. §§1.821-1.825. The substitute Sequence Listing submitted herewith replaces all previously submitted Sequence Listings for the above-referenced application. Support for the inclusion of SEQ ID Nos. 45-50 can be found throughout the specification and claims as originally filed, for example, at pages 8-9 and claim 1 as originally filed. This submission, filed in accordance with 37 C.F.R. §§1.821(g) and 1.825(a), does not include new matter.

A paper copy of the substitute Sequence Listing and a computer readable form (CRF) of the sequence listing on 3.5 inch diskette are herein incorporated by reference. The information contained on the diskette is as follows:

Machine Format: IBM-PC
Operating System Compatibility: MS-Windows
File Name: 248-182CON SEQ 11-05
File Size: 113 KB
Date Data Recorded on Diskette: November 11, 2005

In accordance with 37 C.F.R. §1.821(f), I hereby state that information recorded in computer readable format (CRF) is identical to the written sequence listing filed herewith.

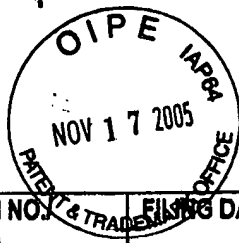
No fees are believed due for this submission. However, if a fee is due, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, to Applicant's Deposit Account No. 010535. Additionally, the Commissioner is hereby authorized to charge payment or credit overpayment of any fees during the pendency of this application to Applicant's Deposit Account No. 010535.

Respectfully submitted,
AMYLIN PHARMACEUTICALS, INC.

Date: 14 November 2005

Karen R. Zachow
Karen R. Zachow
Registration No. 46,332

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

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| APPLICATION NO. / CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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| ART UNIT | PAPER |
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20051016

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice To Comply: Sequence Rules (Bonafide)

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). Please see attached Raw Sequence Listing Error Report. Please also re-check the entire specification for compliance. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in **ABANDONMENT** of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:
Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
3. Hand Carried directly to the Customer Window at:
U. S. Patent and Trademark Office
Box Sequence, Customer Window, Lobby, Room 1B03
Crystal Plaza Two
2011 South Clark Place
Arlington, Virginia 22202
4. Mailed by Federal Express, United Parcel Service or other delivery service to:
U. S. Patent and Trademark Office

Box Sequence, Room 1B03-Mailroom
Crystal Plaza Two
2011 South Clark Place
Arlington, Virginia 22202

Any inquiry concerning this communication should be directed to Jon D. Epperson whose telephone number is (571) 272-0808. The Examiner can normally be reached on Monday through Friday from 9 am to 6 pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Wang, can be reached at (571) 272-0811. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571) 272-1600.

Jon D. Epperson
AU 1639

A handwritten signature in black ink, appearing to be 'J. Epperson', written over a horizontal line.

Notice to Comply

Application No.

10/649,138

Applicant(s)

Gaeta et al.

Examiner

Jon D. Epperson

Art Unit

1639

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Claim 12 (a)-(f) contain sequences with more than 4 defined amino acids. Please re-check entire specification.

Applicant Must Provide:

- ☒ An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification, **as well as an amendment specifically directing its entry into the specification.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-0951

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